

**REMARKS**

In the Office Action, the Examiner indicated that claims 1 through 33 are pending in the application. The Examiner rejected claims 1-7, 9-25, 27-29, and 31-33, and objected to claims 8, 26, and 30.

**Claim Rejections**

In items 3-5 on pages 2 to 7 of the Office Action, the Examiner rejected claims 1, 5-7, 9-14 and 16-19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,173,040 to Wang ("Wang").

On pages 8-13 of the Office Action, the Examiner rejected claims 2-4, 15, 20-25, 27-29, and 31-33 under 35 U.S.C. §103(a) as being unpatentable over Wang in view of U.S. Patent Publication No. 2001/0033554 to Ayyagari et al.

**The Present Invention**

The present invention provides a method and system for providing an accurate service record from one communication device to another communication device. More particularly, the present invention is a method and system by which a determination is made as to whether or not a second communication device has a modem present and whether or not a proper phone line connection exists in the second device (e.g., so that the modem can be utilized). The second communication device generates a service record identifying modem-based services that it can offer based on whether or not a modem having access to a telephone line is present.

The communication devices which can use this technology include laptops, desktops, handhelds, PDAs, mobile phones, two-way pagers, etc. (specification, page 1, lines 11-13). Thus, for example, a first communication device comprising a PDA can retrieve the service record from a second communication device, e.g., a desktop computer. Since the desktop computer (in this example) produces its service record based upon first determining whether or not a modem is present and whether or not a proper phone line connection exists to utilize that modem, the service record provided to the PDA will inform a user of the PDA if modem-based services are available, and likewise, will exclude modem-based services from the service record if no modem and proper phone line connection exists.

**U.S. Patent No. 6,173,040 to Wang**

U.S. Patent No. 6,173,040 to Wang ("Wang") teaches a telephone line state detecting device. The invention of Wang provides a telephone line state detecting device that includes a hardware detecting circuit provided in a telephone line connected to a modem. The hardware detecting circuit is connected to a processing unit. In use, the hardware detecting circuit detects pulses generated by voltages flowing through the telephone line, which are processed by the processing unit to determine whether the line is interrupted or electro-contact thereof is poor, or whether the telecommunication equipment used in conjunction therewith is busy or not in use.

**U.S. Patent Publication No. 2001/0033554 to Ayyagari et al.**

U.S. Patent Publication No. 2001/0033554 to Ayyagari et al. teaches a proxy-bridge device comprising a bridge for sending packets to and from (between) an external device and a device in a piconet. The protocol stack of the proxy-bridge device allows an application to communicate with a remote device, e.g., via the Internet protocol. Thus, the proxy-bridge device, using two protocols, enables remote users to discover the presence of a service offered by a device in a piconet as a logical embedded device within the proxy-bridge device and vice-versa. The Examiner asserts that Ayyagari teaches the communication of the service record from a second communication device to a first communication device using short-range wireless communication techniques.

**The Cited Prior Art Does Not Anticipate the Claimed Invention**

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”  
MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

**The Examiner Has Not Established a *prima facie* Case of Anticipation**

The Examiner has not met the burden required for an analysis under 35 U.S.C. §102. As noted above, the present claimed invention is utilized in an environment in which there are at least two disparate communication devices (e.g., a PDA and a desktop computer; two laptops; etc.), where a first of the devices wishes to utilize modem services provided by the second device. To

avoid the time-wasting process of having the first device communicate with the second device, identify that the second device has a modem installed, and then find that the installed modem does not have a proper telephone line connection, the present invention has the second device make a determination that a proper phone line connection exists before it represents to other communication devices that it has modem services available.

Wang contains no such teachings. Nowhere in Wang is there any teaching of multiple communication devices. Rather, Wang teaches a hardware detection circuit 10 connected to a modem 100, a display 30, and a processing unit 20. In other words, Wang teaches a standard computer processing system, whereby a hardware detection circuit 10 is used to detect the presence of a functioning telephone line for use by the modem 100. Applicant does not claim as its invention a telephone line detection circuit. Rather, applicant claims, in a communication system involving at least two discrete communication devices, a system whereby a device having modem services potentially available does not "advertise" their availability unless the modem contained in this device is connectable to a functioning telephone line. Nothing in Wang teaches this feature.

Further, there is no suggestion in Wang of modification of the Wang system to provide these claimed features. Wang simply teaches a computer system with a line detection circuit, a line detection circuit that the Patent Office has found to be novel.

Each of the claims contain these limitations (e.g., Claim 1, ". . . first determining whether a modem is present in the second communication device; second determining whether a proper phone line connection exists in the second communication device; and generating, by the second

communication device, a service record identifying modem-based services that can be offered by the second communication device to the first communication device, based on the results of the first and second determining steps.”). Accordingly, all of the claims patentably define over Wang.

**The Examiner has not Established a *prima facie* Case of Obviousness**

As set forth in the MPEP:

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.

**MPEP 2143**

As noted above, the primary reference, Wang, contains no teaching of plural communication devices, nor the selective “advertising” of modem services by a second communication device to a first communication device only after determining that such modem services, via a properly functioning telephone line, are available. The addition of the Ayyagari reference provides no such teaching or suggestion. Ayyagari merely describes a typical multiple device communication system, such as a Bluetooth system, which applicant acknowledges are well known. However, like Wang, Ayyagari contains no teaching or suggestion of the selective advertising method and system described above. Without such teaching or suggestion, Ayyagari does not render the claimed invention obvious.

**Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited. The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

6/7/04  
Date

Mark D. Simpson  
Mark D. Simpson, Esquire  
Registration No. 32,942

SYNNESTVEDT & LECHNER LLP  
2600 ARAMARK Tower  
1101 Market Street  
Philadelphia, PA 19107  
Telephone: (215) 923-4466  
Facsimile: (215) 923-2189